FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

The Petitioners herein request a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard average setback of 26 ft., in lieu of the required 40 ft., to enclose a porch, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25 day of March, 1993 that the Petition for a Variance from Section 303.1 of the B.C.Z.R. to allow a front yard average setback of 26 ft., in lieu of the required 40 ft., (enclose porch), in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

The use of this property shall continue to be consistent with the property's zoning classification which, as of the date hereof, is D.R.5.5. The approval of this variance does not grant upon the property owner any special privilege or authority to use the property in a manner inconsistent with the B.C.Z.R.

> ✓ Zoning Commissioner for Baltimore County

LES/mmn

Zoning Commissioner
Office of Planning and Zoning **Nashington Avenue** March 24, 1993 Mr. and Mrs. G. Taylor Lyon, Jr. 400 W. Joppa Road Towson, Maryland 21204 RE: Petition for Administrative Zoning Variance Case No. 93-259-A 400 W. Joppa Road Dear Mr. and Mrs. Lyon: accordance with the attached Order. date of the Order to the County Board of Appeals. If you require contact our Appeals Clerk at 887-3391. Lawrence E. Schmid Zoning Commissioner LES:mmn cc: Mr. Richard Parsons, President West Towson Neighborhood Association

Baltimore County Government (410) 887-4386 Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the additional information concerning filing an appeal, please feel free to

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 400 W. Tapa Rd.

which is presently send De 5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undereigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 303.1 To allow a front your discussion of 26 in lieu of required 40' to enclose ponch of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Difficulty: @ House angled on lot causes shorter front yards distance @ Aging parents need more loving space on II floor due to difficulty with steps. (3) Enclosing porch to match existing hime which preserves character Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do scientify declare and affirm under the penalties of penjury, that I/we are the G. TAYLOR LYON JR. direct Signature Type None (
(Type or Print Name) 400 W. Joppa Rd. 825-1730 Towson, Md. 21204 City State Zipcode
Name, Address and phone number of legal owner contract purchaser or representative Name CARY LYON (SON Deine to above 444 8442

> Zoning Commissioner of Baltimore County ITEM #: 273

Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 400 W. Jopen RL.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrativ Variance at the above address: (indicate hardehip or practical difficulty) Difficulty: 1. House angled on lot causes shorter front yard

2. Aging parents need more living space on 1st floor

Towson, Md. 21204

due to difficulty, with steps. 3. Enclosing porch to match existing home which preserves charcter.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: 1 HEREBY CERTIFY, this 3RD day of February, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

G TAYLOR LYON TR. and Ganer H. LYON the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal.

February 1663

May Katherine Scheler

EXAMPLE 3 - Zoning Description 73-259-A Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet. Beginning at a point on the North south, east or west) (street on which property fronts) wide at a distance of / West of (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street _____ Central Are. Section # in the subdivision of as recorded in Baltimore County Plat (name of subdivision) Book # 3557 , Folio # $294 \rightarrow 296$, containing 17.450 .4 acre (square feet and acres) *If your property is not recorded by Plat Book and Polio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed

Liber 3557, Folio 2014" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZOMING DEPARTMENT OF BALTIMORE COUNTY 6 Toylor + Grave Lyon Location of Signer Laving Toad way on proporty 111 West Chesapeuke Avenue Jan Barat Francisco Carlos Carlos Bar · 62年#0025年、25800~

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

March 3, 1993

Mr. and Mrs. G. Taylor Lyon, Jr. 400 W. Joppa Road Towson, MD 21204

> RE: Case No. 93-259-A, Item No. 273 Petitioner: G. Taylor Lyon, Jr., et ux Petition for Administrative Variance

Dear Mr. and Mrs. Lyon:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 4, 1993, and a hearing was scheduled accordingly.

The following comments are related cnly to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

O. James Lighthizer Hal Kassoff

2-12-93

Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Baltimore County

No.: * 273(LJG)

Dear Ms. Winiarski:

Suite 113 Courthouse

Towson MD 21204

400 Washington Avenue

Mr. Richard Parsons

Dear Mr. Parsons:

LES:mmn

West Towson Neighborhood Assn.

RE: Case No. 93-259-A

400 W. Joppa Road, 21204

required 40 ft. for an enclosed porch.

Violation case No. C-93-1685

to its position. May I please hear from you promptly.

Towson, Maryland 21285-5580

President

P.O. Box 5580

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

for John Contestabile, Chief Engineering Access Permits

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

Petition for Administrative Zoning Variance

G. Taylor Lyon, Jr. and Grace Lyon, Petitioners

I have received a Petition for Administrative Zoning Variance for the

The Petition has been filed as an administrative variance, which permits me to make a decision based upon the Petition and supporting documents

above property filed by the above named property owners. The Petition seeks relief from Section 303.1 of the Baltimore County Zoning Regulations,

to allow a front yard average setback distance of 26 ft. in lieu of the

which have been filed. That is, a public hearing is not required unless

one is requested by the Petitioner, a neighbor, or if I deem that a hearing

Moreover, I have been advised by the Zoning Enforcement Division of the

Baltimore County Office of Zoning Administration and Development Management

that your community association has an active interest in this case. Under

the circumstances, kindly advise me whether the association desires a pub-

lic hearing or, in the alternative, wishes to submit a written statement as

is necessary. In this case, I do not believe that a hearing is required.

March 12, 1993

(410) 887-4386

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: February 18, 1993

Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Item Nos. 265, 270, 271, 272, 273, 274, 277, and 278.

PK/JL:lw

265.ZAC/ZAC1

Zoning Administration & Development Management

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Larry E. Schmidt

February 25, 1993

Zoning Commissioner James H. Thompson - TLF Zoning Enforcement Coordinator

SUBJECT: ITEM NO.: PETITIONER:

Taylor G. Taylor, Jr., et ux VIOLATION CASE NO.: C-93-1685

LOCATION OF VIOLATION: 400 West Joppa Road

Baltimore, MD 21204

9th Election District DEFENDANT:

Taylor G., Jr. and Grace H. Lyon 400 West Joppa Road Baltimore, MD 21093

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

Mr. Richard Parsons, President

ADDRESS West Towson Neighborhood Assn. P.O. Box. 5580

Towson, Maryland 21285-5580

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

JHT/TLF/cer

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: Feb. 18,1993

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: Feb. 16, 1993

There are no Comments on item numbers 265, 266, 269, 270,271,272,273,274,277 and 278.

RJF/lvd

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

FEBRUARY 19, 1993

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: G. TAYLOR LYON, JR. AND GRACE LYON

#400 WEST JOPPA ROAD Location:

Item No.: *273 (LJG) Zoning Agenda: FEBRUARY 16, 1993 Gentlemen:

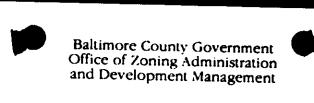
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

PEVIEWER: Capt Complete Planning Group Special Inspection Division

JP/KEK

Printed on Recycled Paper



FEBRUARY 10, 1993

(410) 887-3353

111 West Chesapeake Avenue

Towson, MD 21204

G. Taylor Lyon, Jr. and Grace Lyon 400 W. Joppa Road

Towson, Haryland 21204 Re: CASE MUMBER: 93-259-A (Item 273)

M/S Joppe Road, 1' W of c/l Central Avenue 400 W. Joppa Road 9th Election District - 4th Councilsonic Petitioner(s): 6. Taylor Lyon, Jr. and Grace Lyon

Dear Petitioner(s):

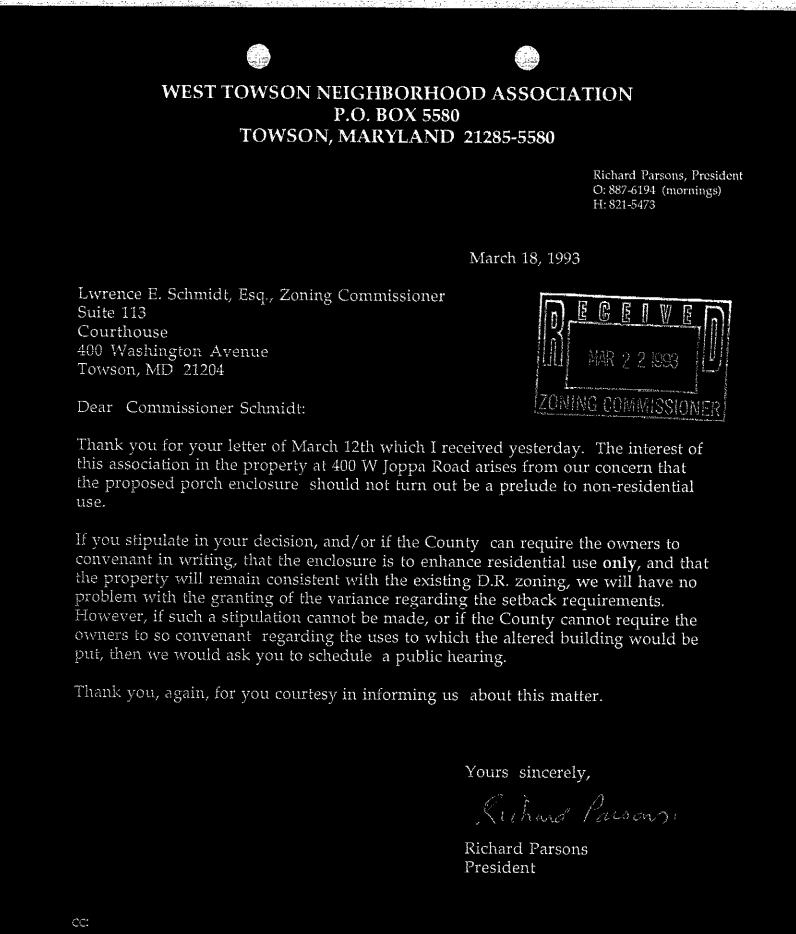
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 21, 1993. The closing date (March 8, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public bearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the patitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



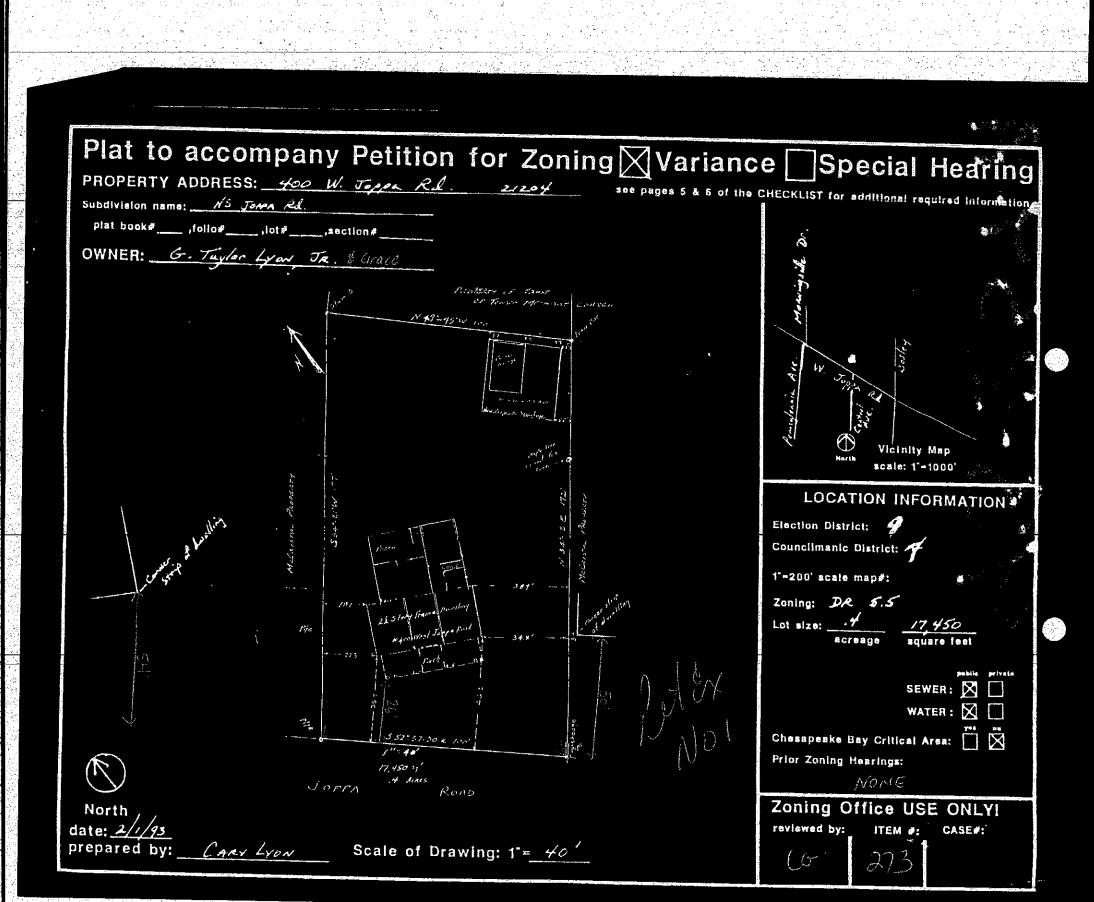


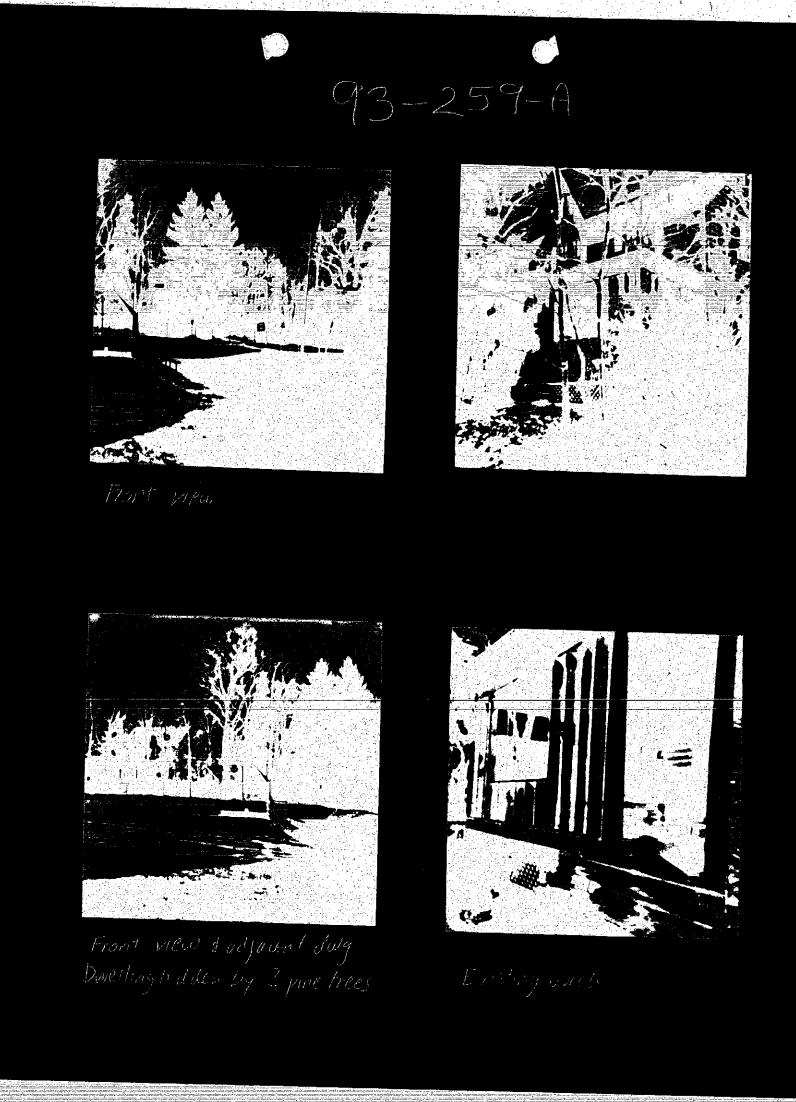
Application No. 140,221 FIRER 8557 MCR294 F THERE WILLIAM AND THE STATE OF THE STAT

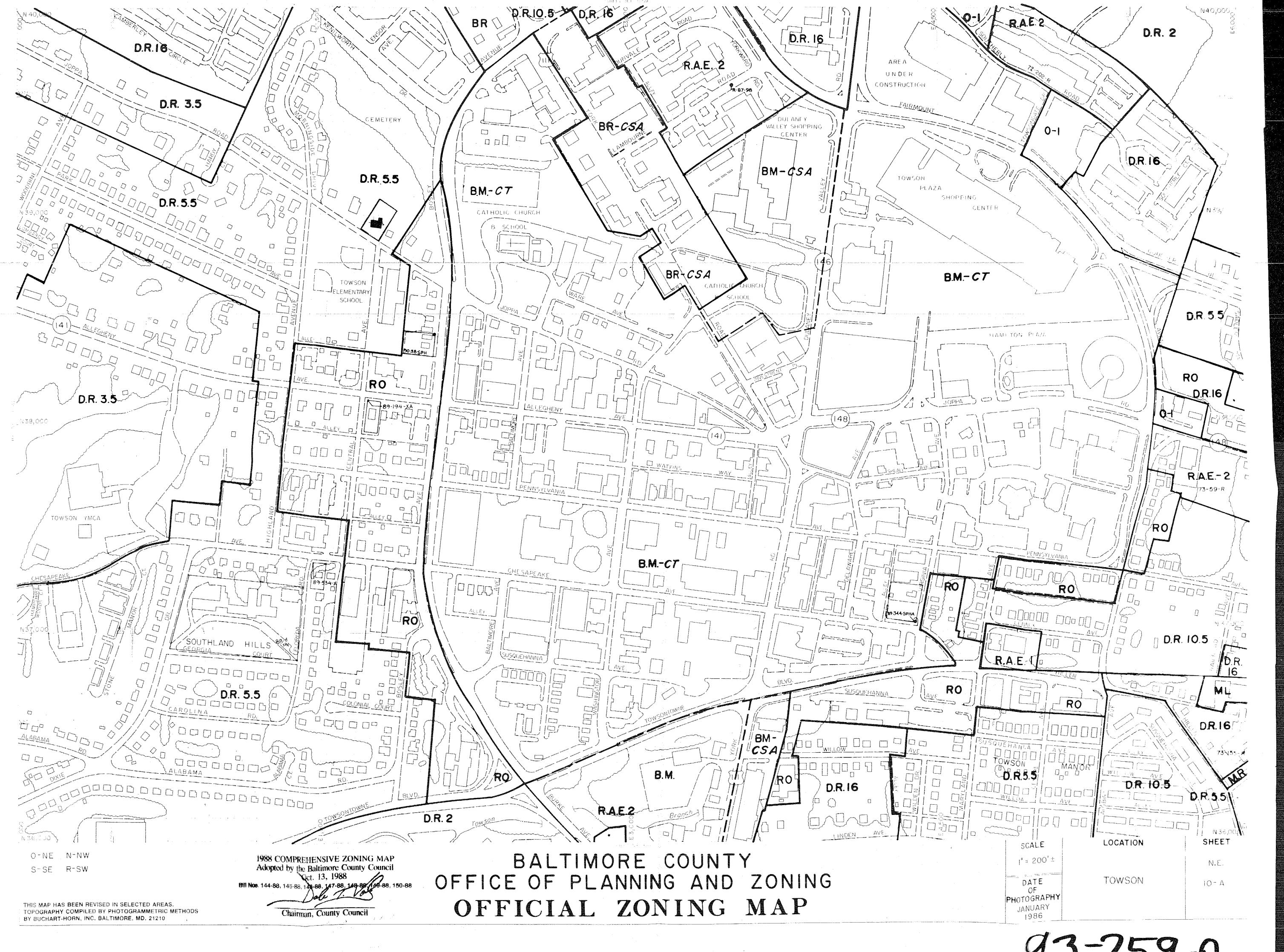
THE TOWSON METHODIST CHURCH, a religious corporation, duly incorporated under the Lave of the State of Maryland, party of the first part; and G. TAYLOR LYON, JR., and GRACE H. LYON, his wife, of Baltimore County, in the State of Maryland, parties of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the Ninth Election District of Baltimore County, in the State of Maryland, which, according to a survey prepared by Dollenberg Brothers, Surveyors and Civil Engineers, dated June 20, 1959, is more particularly described as follows, that is to say: -

BEGINNING for the same at a stone marked BK heretofore set at: the end of the first line of a parcel of land which by a deed dated February 18, 1891 and recorded among the Land Records of Baltimore County in Liber J.W.S. No. 182 folio 503 was conveyed by Dr. Grafton M. Bosley et al, Trustees to The Trustees of Towson Methodist Episcopal Church of Baltimore County, said stone also being at the beginning of the parcel of land firstly described in a deed dated March 14, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1443 folio 120 which was conveyed by Ray H. Curry and wife to Frank C. McCrystle and wife and thence running with and binding on the second line of the first herein mentioned parcel of land and binding reversely on a part of the last line of the parcel of land which was conveyed by Curry to McCrystle, as the courses are referred to the magnetic meridian of 1959, south 34 degrees 21 minutes west 177 feet to a pipe set on the northeast side of the Joppa Road, thence running and binding on the northeast side of said road, south 52 degrees 37 minutes 30 seconds east 100 feet to a pipe set in the center of an old hedge there situate and at the beginning of the last line of the aforesaid parcel of land which was conveyed by Dr. Grafton M. Bosley et al, Trustees to The Trustees of Towson Methodist Episcopal Church of Baltimore County, thence leaving said Joppa Road and running with and binding on said last line and also binding on the last line of a parcel of land which by a deed dated March 25, 1920 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 524, folio 58 was conveyed by Edith L. Keech, widow to Frank S. Ehlen, north 34 degrees 13 minutes







93-259-A

DATE

PHOTOGRAPHY

JANJARY



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

* PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401